THE BLACK MAN

AND THE

FRANCHISE

ALSO

NATIVES AND LIQUOR IN SOUTH AFRICA

BY

THEOPHILUS LYNDALL SCHREINER

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The Black Man and the Franchise.

"A CONFUSION of ideas with regard to South Africa seems to exist in the minds of many people, who divide its inhabitants into only two great classes, namely, the whites, including the Dutch and English, and the blacks, or 'Kaffirs,' by which term they indicate the barbarian and uncivilized people; but who apparently forgot the existence of a third class of the population—namely, the black or coloured civilized man, who is tolerably educated, lives after the manner of the white man, having his own ministers, churches, and schools, and forming, on the whole, a steady, industrious, and respectable peasantry and artisan class.

"There are many thousands of such people in the Cape Colony, and they are amongst the most loyal of Her Majesty's subjects. The Constitution of the Colony of the Cape of Good Hope has never made any distinction because of the colour of a man's skin, and thousands of these people, possessing the qualifications for the franchise, have enjoyed political rights equally with the white man. They have not abused these privileges, but have on the whole used them conscientiously and rightly; they may be reckoned as a power on the side of law and order and the upholding of British supremacy; and it is impossible to dream of depriving them of the political rights which they have thus enjoyed for many years under the Union Jack. Many people of this class had already settled in the then Orange Free State and the Transvaal before the war, and many more will follow when peace is proclaimed, and these territories are settled under the British flag. When free Parliamentary institutions are granted to these States, political rights cannot justly be withheld from these people.

"Mr. Rhodes, who is looked upon as a leader of the Progressive Party, has already for several years indicated his view of the position by his promulgation of the formula, 'Equal rights for every civilized man south of the Zambesi,' which he, as late as the 10th October, 1900, explained, in his address as President of the South African League Congress at Capetown, by saying that 'he used the word "civilization" to cover the coloured people and others who under Hofmeyr's Franchise Act were considered worthy of the rights of voters.' Mr. Schreiner, the ex-Premier of the Cape, and the late leader of the Afrikander Party, to which he still claims to belong, uttered the same sentiment in the Cape Legislative Assembly on September 24th, 1900, when he was reported as follows in the *Cape Times*:—'He would say that no settlement would be regarded as satisfactory which did not throw the door open to civilized humanity in

South Africa.' Thus both political parties in the Cape Colony are agreed that the determining factors in the drawing of the enfranchising line shall be the degree of civilization—*i.e.*, of material, mental, moral, and social advancement attained.

"No sensible person desires that the barbarian or uncivilized man, to which class most of the labourers in the mines belong, should be placed on the same political footing as the white man, nor that the black man still living in tribal fashion under Imperial or Colonial protection should be admitted to the right of citizenship in the State. These classes must be ruled firmly, justly, and kindly, and encouraged to advance in civilization, but to give them political rights is out of the question. While this is so, every sensible person ought to desire that under the British flag the door may ever stand open (as it does in the Cape Colony, and to some extent in Natal and Rhodesia) by which the black or coloured British subject, resident in a state with free Parliamentary institutions, who raises himself to the level of the white man in civilization, manner of life, education, and possession of property, may be entitled to the same political rights as he.

"This open door is the true and only safe solution of the native question in South Africa, and will act as a safety-valve in the future development of that question, for it will knit the best and most intelligent and advanced portion of the black race to the support of the white man and the Empire; whereas, the policy of the shut door (as in the case of the Uitlanders in the late South African Republic) will tend to rouse that section against the Government, and make it the leader of disaffection. It is inconceivable that men who have reached the white man's status should consent for ever to be denied a share in political privileges under free Parliamentary institutions.

"I am no advocate of lowering the franchise so as to include the semi-civilized man. Far from it. Raise the qualification, monetary and other, if necessary, but leave the door open, and do not draw a colour line.

"It may be thought that it is premature to deal with this matter at present. Peace is not yet proclaimed; military rule must follow its proclamation for some considerable time, and government of the Crown Colony type after that, before the time arrives for the bestowal of full political rights on the inhabitants of the conquered territories. Granted: but wrong ideas when once rooted are hard to extirpate, and therefore it is of the utmost importance that right ideas as to the political future of these territories should prevail from the outset of England's rule over them.

"Among many of the inhabitants of the Orange River Colony and the Transvaal State there is, and no doubt will be, a more

or less strong undercurrent of opposition to the idea of recognizing the claim of the civilized black man to political rights. This opposition is a survival of the impossible position taken up as regards this matter in the past by the two Republics, who, in their Constitutions, expressly barred the black or coloured man from ever becoming entitled to the franchise; but it would be one of the greatest misfortunes that could happen to South Africa if this unjust and impossible position were by any chance to obtain a place under the British flag; and it is difficult to understand how any of those persons, whose political disabilities in the Transvaal have been removed at the cost on the part of the Empire of millions of money and thousands of precious lives, can be wishful that such disabilities should still, under the British flag, continue to rest upon a certain class of their civilized fellow British subjects, merely because the skins of the latter are not so white as their own.

"In the eventual granting of political rights to the inhabitants of the Orange River Colony and the Transvaal State, the determining factor entitling to the exercise of such rights must be civilization and not colour; and it must be made impossible that the political exclusion lines of race or colour which have marked the Dutch pseudo-Republican *régime* and Constitution in the past shall ever again be drawn."

The above article was written in November 1900; and the question therein dealt with has advanced so far towards practical solution that the following was the statement made in the name of the Home Government by Sir Alfred Milner and Lord Kitchener to Commandant Botha in connection with the late peace negotiations :—"As regards the extension of the franchise to Kaffirs in the Transvaal and Orange River Colony, it is not the intention of His Majesty's Government to give such franchise before representative government is granted to these colonies, and if then given, it will be so limited as to secure the just predominance of the white races. The legal position of coloured persons will, however, be similar to that which they hold in the Cape Colony." The Secretary of State for the Colonies added the following words in his communication which fixed the above terms :—"We cannot consent to purchase peace by leaving the coloured population in the position in which they stood before the war, with not even the ordinary civil rights which the Government of the Cape Colony has long conceded to them." These are noble words, worthy of the highest moral prestige of England, at any time of her history, and they give one the assurance that England will not fail to do the right with regard to the important question under discussion. It must not be forgotten that it was Commandant Botha in his interview with Lord Kitchener who raised the question, with the hope no doubt

of bringing pressure to bear on England to sacrifice the rights of the coloured British subjects for the sake of securing peace, a hope which every lover of justice to humanity must rejoice to know was defeated by the true stand taken by the Home Government. Nor can we omit from view the fact that it is reported by those who are on the side of the Boers that the terms of peace were refused by them or their leaders chiefly because of the firm tone of the English Government's reply upon this very matter. They no doubt appreciated at its full the difference of meaning between Commandant Botha's demand that "the franchise should not be given to coloured men *until after* representative government was granted to the Colonies," and the British Government's guarded statement that it was not its intention to give it *before* such government was granted. Botha meant, "Leave the matter to us to decide *after* you have given us full self-governing powers," knowing well that in such case the right would never be done to the coloured races. The British Government, if we grasp the meaning of its reply, has in effect said, "*We* will decide the matter not before, but *when* and at the same time that we grant full self-governing powers, and will not leave the decision to you." In taking up this right and brave position the Government of England is entitled to the whole-hearted and undivided support of the whole British Nation and of all political parties. Even those who have more or less taken the side of the Boers against their own country with regard to the war should not be able to go the length of supporting them in their demand for the perpetuation of their system of treatment of the black man.

There have been two antagonistic systems of native policy in existence in South Africa in the past. The one, the Dutch Republican, has found its exemplification in the South African Republic, where the black man was by the Constitution debarred from ever being recognized as on the level of the white. He might never have a vote, he might not hold property by legal title, he might not trade, he might not till lately legally marry. The State set itself against his being educated or lifted up in the scale of civilization. He had no legal standing in the courts of justice, and was liable to be thrashed, even murdered with impunity to the perpetrators. The other system—under and due to the British flag—prevails in Cape Colony, and to a lesser degree in Natal and Rhodesia. Under it, the life and property and liberty of the black man is as sacredly guarded as that of the white; the magistrates and judges dispense justice fairly to all races and classes; the Government assists the black to become educated and civilized; he may freely trade, he may be the legal holder of fixed property, and if up to the level of the white man who

possesses the franchise in civilization, education, and monetary qualification, he may vote—and all this with the best results.

The time has now come when, owing to the failure of the Dutch Republics in their mad ambition to overthrow England's supremacy in South Africa, these two antagonistic systems can no longer co-exist in South Africa. Who can doubt which of the two deserves to be perpetuated? But evil systems die hard, and the powers of evil, posing sometimes as angels of light, will exert all their influence towards leading England to take the wrong course. It will be argued that we ought to do that which will conciliate the Boers and make them less averse to our rule. The groundless and unreasonable nightmare of a South Africa in which the blacks have secured the upper hand and crushed the white man under their feet will be pictured in lurid colours, in order to prevent our doing that which is right and just.

Through all these influences may the British Government be helped to steer a straight course! It always pays best in the long run for nations, as for individuals, to do the right and the just thing. But the Government has the right to expect that every individual Britisher will strengthen and encourage them in that course by every influence at his or her command—right thoughts, right opinions, right conclusions, right words (written and spoken and printed), right efforts. There must be no want of these on our part, if we would help our country to take the course that will bless it and make it a blessing.

THEOPHILUS LYNDALL SCHREINER.

Whyteleafe, Surrey: *April* 2, 1901.

N.B.—For the information of British readers I may say that the Cape Colony house franchise qualification necessitates living in a house worth at least £75, and the wages qualification is the receipt of at least £50 per annum, while the educational qualification is the ability to write one's name and address. In the Transvaal these money qualifications might well be raised to at least £100 and £75 respectively, and the educational qualification might be made to include the capability of reading and writing either the English or Dutch language.

In Natal the vast majority of natives are living under native law, which allows polygamy, &c., and are therefore rightly excluded from the political privileges, but the Governor is empowered, upon application written by the applicant in the presence of a magistrate, to confer the franchise upon natives who have been for seven years exempt from native and under European law. The door does thus stand open for any natives who are civilized, Christianized, and educated, and who are in possession of the property qualification of £50 or £10 annual rental, and who desire to become Parliamentary voters.

Whether it would be wise to allow the unenfranchised mass of natives, living under native law, to choose one or two Europeans to represent their interests in the Legislature is a question as to which there are *pros* and *cons*, but on the whole one inclines to the experiment being made, especially as the natives of Natal are asking for it.

The general mass of Indians in Natal, by the provisions of Act No. 8 of 1896, are virtually debarred from the franchise, with the exception of those whose names were on the voters' lists prior to the passing of the Act, and those who obtain an order from the Governor exempting them from the operation of the said Act. The grounds on which they are debarred are that they are not Europeans, and are natives of a country which does not possess elective representative institutions. This seems somewhat arbitrary; but it must be remembered that there are no such institutions in India, and that the coolies and other Indians are not accustomed to the exercise of the franchise, nor do they clamour for it, while their manner and customs of living are not as a rule those of Europeans. The needs of the case would perhaps be met by the laying down of regulations and conditions as to the conferring of the exemption from the provisions of this Act, which would enable the Governor to confer the same whenever the conditions had been complied with. Further, if the plan already mentioned be carried out, of allowing the mass of the unenfranchised natives to choose one or two persons to represent them in the Legislature, the unenfranchised Indians might fittingly be allowed to choose one also.

In Rhodesia the class of civilized and educated black men can hardly be said to exist at present. When it does, the example of the Cape Colony will no doubt be followed with regard to them, and that of Natal with regard to individuals who have emerged from barbarism.

The conclusions which I have endeavoured to lead up to may be summarized as follows:—

A. The following classes have no claim to the franchise: (*a*) uncivilized, uneducated, or heathen natives, or polygamists; (*b*) natives living under native law, as in Natal; (*c*) natives living in tribal fashion, as in Basutoland.

B. The class of civilized, educated, Christian, coloured and black people, who live after the manner of Europeans and under European law, and who exercise the franchise in the Cape Colony, should have the right to the franchise accorded to them in the Orange River Colony and the Transvaal, and throughout His Majesty's Dominions in South Africa, on the same

residential, monetary, and educational qualifications as those which will qualify white men to possess it.

C. The door should stand open, as it does in Natal, for individuals belonging to the Indian population or to the class mentioned in **A** (*b*) and **A** (*c*), who have emerged from those classes and reached the status of those mentioned in clause **B**, by which under certain conditions and a due probation they may be entitled to become Parliamentary voters.

D. The plan of allowing the unenfranchised natives indicated in clause **A** and the unenfranchised Indians to choose one or two persons who shall represent their interests in the Legislature of the Colony to which they are attached seems worthy of earnest consideration.

Those who are opposed to the granting of the franchise to even the civilized black man are accustomed to point out that the experiment has not answered very well in the Southern States of America; but the cases are not analogous. In the United States at the close of the civil war the franchise was bestowed on the emancipated slaves utterly regardless of any fitness for it, and with no qualifying safeguards. Under such circumstances it is no wonder that the experiment did not prove a success. In South Africa, on the contrary, the door will be left open to duly qualified individuals only, and the qualifications will be high. And best of all arguments in favour of this arrangement is the fact that it is no new experiment, but has been on its trial for many years in the Cape Colony, and has worked smoothly and proved a success there. So it will prove in the Orange River Colony and the Transvaal; and South Africa under the British flag will enjoy the proud distinction of having solved the difficult question of extending political rights to individuals of the coloured races in such a way as to do them justice and satisfy them, and at the same time inflicting no injury or loss of prestige on the white or governing race.

[Postscript.—It is worth considering whether a tribe like the Basutos, under Imperial control, might not be allowed some kind of a representative council, whose power and authority should eventually replace that of the native chiefs.]

NATIVES AND LIQUOR IN SOUTH AFRICA.

The best interests not only of the natives or black races but of the white man in South Africa demand the protection of the former from the curse of intoxicating liquor. The Christian philanthropist and missionary urge it; the mining interest for the sake of the successful prosecution of its industry demands it, and where, as in the Cape Colony, the Legislature has failed to grant it, has successfully achieved it, as, for instance, in connection with the De Beers Diamond Mining Company; the sheep and cattle farmers would hail it as adding to the safety of their flocks and herds; the judges and magistrates expatiate upon the need of it in order to lessen crime; wise native chiefs like Khama, having the necessary power and authority, have secured it for their people; the natives themselves, from the highest to the lowest, and even those who have fallen under the accursed spell of the white man's drink, ask and pray for protection from it.

The one desideratum is the absolute prohibition of the sale or supply of intoxicating liquor to aboriginal natives or coloured people throughout the length and breadth of South Africa. The time is suitable for the attainment of this great blessing. The territories of the late Dutch Republics are passing under the British flag, and Great Britain's power, for some time to come, will be supreme there. The juncture is propitious for a forward step in this matter throughout all her South African domains.

This article is written with the object of throwing light on the condition of affairs, past and present, with regard to this important question in the various states of South Africa, to point out the steps which should be taken at the present time and in the future to secure its satisfactory settlement, and to indicate some of the obstacles which stand in the way. The writer has an intimate acquaintance with the subject of which he writes, and has spent a great part of his life in endeavouring to further the emancipation of the inhabitants of South Africa from the drink curse; facts which should add weight to his statements.

N.B.—Further information on this subject will be found in the book, "The Drink War in South Africa," price 6*d*., which is in course of publication by the Ideal Publishing Co., Ltd., 33 Paternoster Row, National Temperance League Depôt.

I. THE CAPE COLONY.

Strange to say, the Cape Colony, under the British flag, has been and is still the most backward of all the states of South Africa with regard to the prohibition of the sale of liquor to

natives. This is due to two facts. The chief one is that the brandy farmers of the Western Province of that Colony have been the most influential portion of the Dutch National or Afrikander Bond party, which has tyrannized for the last eighteen years over all other parties in the country, so that until lately every Ministry and Government may be said to have existed only by its grace and favour. This fact has vitiated Cape politics in many directions, and in none with worse results than in regard to the subject we are considering.

The party alluded to have always fought tooth and nail against the prohibition of the sale of liquor to natives. It has been openly and truthfully said by its representatives in Parliament, "Who will buy our brandy if the natives may not drink it?" The Bible has been ransacked and quoted in the Cape House of Assembly to justify the drinking of intoxicating liquor, and *pari passu* the swilling of Cape brandy by the black man. The brandy bottle has even been spoken of as the ordained means for the solution of the native question by achieving the annihilation of the native races; but those who indulge this wicked hope forget that there is a stamina and virility in the Bantu race that will be proof even against this method of extermination.

The second fact, connected with the opposition of the Afrikander Bond or Dutch National Party to the protection of the natives from drink, is the possession in the Cape Colony by the civilized and educated black man of the right to the franchise. This has always been a thorn in the side of the party alluded to, because the black or coloured voter in ninety-nine cases out of every hundred will vote for the strengthening of Britain's influence, and against the Boer Republican idea. The Bond party has sedulously set itself during the last twenty years to curtail and diminish the black man's voting power in every possible way, and has succeeded in doing so to a considerable extent. It has looked on this question of depriving the black man of the right to vote as of such paramount importance that it would have been willing to sacrifice even its brandy making and selling interests to secure it, and the following compromise has more than once been proposed to the temperance party: "We will unite with you to secure prohibition of the sale of liquor to all black and coloured people if you will unite with us to secure the taking away of the right to the franchise from them." I am thankful to say that the forces of righteousness have always been strong enough to prevent this immoral compromise from being carried out.

The most, however, that the Hon. J. Rose-Innes, M.L.A., and other friends of the natives have been able to secure by their most strenuous efforts in the past in the direction of protecting

the black man from the curse of drink in the Cape Colony may be summarized as follows :—

(*a*) In districts where aboriginal natives are located, or resident, or are congregated upon public or other works or mines, the Governor may define areas wherein no licence shall be granted by the Court, except with the special permission of the Governor. (At present there are no such proclaimed areas, the interests of the liquor traffickers and the brandy makers being too strong in the opposite direction.)

(*b*) When desired by any municipality or village board, the Governor may by proclamation define areas within which all bottle stores and canteens shall close at noon on Saturday, or such other day of the week as may be determined. (See note *re* (*a*).)

(*c*) The Licensing Court may impose restrictions or conditions, so long as they do not amount to total prohibition, on the sale of liquor to any Kaffir, Fingo, Basuto, Damara, Hottentot, Bushman, or Koranna. (The natives are thus at the mercy of the Licensing Courts, and are expressly excluded from the benefits of absolute prohibition. Some Licensing Courts have acted up to the length of their tether to the benefit of all concerned, but most have not, the liquor interest gaining the day.)

(*d*) "Kaffir beer" (made from grain) is subject to the liquor laws, and landowners may prohibit the manufacture of Kaffir beer, prickly pear beer, and honey beer, and can search for and seize any that may be found. (This is a law made to benefit the farmer, not for the sake of the natives.)

(*e*) Under the Glen Grey Act licences cannot be granted or renewed unless approved by the District Council. (This is a useful local option provision in favour of the protection of natives by their own councillors.)

(*f*) In the Transkeian territories, Pondoland, and Walvisch Bay no liquor may be sold or given to a native without a permit from a resident Magistrate, and all such permits must be filed and delivered by the dealer to the Magistrate quarterly. No liquor may be brought in without the written permission of the Magistrate. (These partially prohibitory laws, framed despite the Bond brandy farmers' protests, do good as far as they are carried out, but the permit system can never work satisfactorily.)

(*g*) In Bechuanaland the sale and supply of intoxicating liquor to natives is strictly prohibited under heavy

penalties. (We owe this salutary law to the fact that Bechuanaland was under the government of the Crown before it was taken over by the Cape Government, and that Great Britain stipulated that her prohibitory law should be taken over with the territory.)

The above *résumé* of liquor legislation in the Cape Colony, when compared with that of the other States of South Africa, shows very clearly the evil influence of the wine and brandy farmers of the Western Province and the Afrikander Bond, who back up the liquor traffic, in seeking to render all prohibitory legislation with regard to the natives impossible or unworkable.

In 1886, when there seemed some likelihood that prohibition to the native might win the day, the Cape Legislature, at the instance of the Bond party, secured the passing of an Act by which any native registered Parliamentary voters were declared exempted from the operation of the provisions of any special legislation. This law, though designed by its short-sighted originators to hinder the protection of the natives, will really act in the opposite direction, for it leaves as a plain, simple issue the protection of all natives and coloured people who are not registered Parliamentary voters, and, as these are the vast majority, incalculable benefit to the whole country will accrue from the enacting of a law prohibiting the sale or supply of liquor to them.

II. NATAL.

In Natal, the state of the law as to this subject is as follows:—"Indians are not allowed to purchase liquor for consumption at their homes. All drink purchased by them must be consumed on the premises of the licensed dealer, in a glass or measure belonging to him, which must be left on his premises. Liquor, however, may be supplied to Indians and to natives for medicinal purposes, but the proof that it is so required must be clear and precise. The sale or supply of liquor to natives—save for medicinal purposes—is absolutely prohibited. Native women, however, may make and sell native beer on special occasions, but not as a permanent business. No European may procure liquor through a native or Indian messenger without signing an order for it, which must be retained by the dealer, and is liable to police inspection.

"The penalty for supplying liquor to natives or Indians—except as above mentioned—is, for a first offence, a fine not exceeding £10 nor less than £5, and in default of payment, imprisonment for not less than one month, nor more than three, with suspension of licence, if any, for three months.

These penalties may be increased for subsequent offences to a fine of £25 or imprisonment for six months, and cancellation of licence.

"A native or Indian may be exempted from the operation of the liquor laws by a letter of exemption from the Governor in Council. Such exemptions are very rarely granted."

From the above summary, which is from the hand of the Attorney-General, it is evident that the British Colony of Natal is in this matter a long way ahead of its older sister of the Cape of Good Hope, and that its legislation leaves little to be desired, except that the penalties for infringement of the law might be made much higher, as they are in Rhodesia.

III. RHODESIA.

While the liquor laws of Rhodesia in many respects are the same as those of the Cape Colony, in the matter of the natives they are modelled on those of Natal. By the twelfth article of the Charter, the B.S.A. Company was bound to regulate the traffic in liquor so as to, as far as practicable, prevent the sale of such liquors to any natives. In accordance with this provision, the following regulations have the force of law in Rhodesia. No person shall sell, give, or deliver any intoxicating liquor to any native or Indian, except that liquor may be sold to Indians to be drunk on the licensed premises, and that liquor may be delivered to Indians or natives for Europeans, upon production of genuine written orders from such Europeans, and except also that the purely medicinal supply of intoxicating liquor is not prohibited. The penalties for breaking this law are much heavier than in Natal. Thus, for a first offence, a fine not exceeding five hundred pounds (£500), and, in default of payment, imprisonment with hard labour for not more than six months may be inflicted, and for every subsequent offence the penalty is imprisonment with hard labour for not less than six months and not more than twelve. All liquor in possession of a convicted person is confiscated, and if he be the holder of a liquor licence, hawker's licence, importer's or general dealer's licence, such licences shall be forfeited, and no convicted person shall be eligible to hold such licences for a period of five years from his conviction. Eau de Cologne is included by law in the term intoxicating liquors.

Thus every attempt is being made in Rhodesia to protect the native population from the ravages of liquor, and its example, especially as to the heavy penalties, might well be copied elsewhere. At the same time, the rights of the natives in other directions are guarded by the following provision of the Rhode-

sian Order in Council of 1898, which is in its main features a reproduction of the previous Queen's Order in Council of 1894 :— "No conditions, disabilities, or restrictions shall, without the previous consent of a Secretary of State, be imposed upon natives by ordinance which do not apply equally to persons of European descent, save in respect of the supply of arms, ammunition, and liquor."

IV. ORANGE RIVER COLONY.

Restrictive and prohibitive legislation with regard to the liquor traffic was in a more advanced stage in the Orange Free State than in any other portion of South Africa. Up to the year 1883 this was not the case, but in that year, the ground having been prepared for several years previously, the Volksraad, moved thereto by numerous petitions from the inhabitants of the country, passed the strongly restrictive and prohibitive law known as Ordinance No. 10 of 1883.

The chief provisions of this law are: (1) The sale of intoxicating liquor to natives (*i.e.* black or coloured people) is absolutely forbidden, except when medicinally prescribed by a qualified medical man. (2) The sale of intoxicants outside of towns and villages is prohibited, thus doing away with the temptations to drinking at the country canteens and railway stations. (3) The retail sale of liquor by general dealers is forbidden, also the sale under the same roof as that where general merchandise is sold. The effect of these provisions has been to largely confine the retail traffic to *bonâ-fide* hotels in the towns or villages, under close police inspection.

The results of this law have been wonderfully good. The opinion of the Government officials, from the Presidents downwards, of the Judges, the Magistrates, the Ministers of Religion, the members of the Legislature, and other leading men, has been collected and published, and is well-nigh unanimous to the effect that the law has been successfully administered, that it diminished crime, and especially crimes of violence and theft, to an extraordinary degree, and wonderfully increased the material, social, and moral prosperity and welfare of the people of the State.

The liquor traffickers have naturally done their utmost ever since 1883 to do away with the prohibitive provisions of the law, but an ever-increasing majority of the inhabitants and legislators has been led by its good results to support and strengthen it, until now there may be said to be little or no opposition to it.

The Government of the late Orange Free State always heartily seconded every effort put forward to make its people

sober, happy, and prosperous, and every lover of his fellow-man must hope that the same condition of things with regard to this great question will be continued under the British flag, and that Ordinance No. 10 of 1883, with its later amendments, may be preserved and administered in its entirety throughout the territory to which it has been for so many years so great a blessing.

There is every reason to believe that this will be the case; but the liquor traffickers will not be asleep, and there is need that the conscience of the great British nation should keep the Government alive as to the necessity of making no compromise. It would be a dreadful disgrace to the British name if the condition of the Orange River Colony under the British flag should compare unfavourably with its former condition with regard to this matter. Instead of this being the case, let us hope that the old Orange Free State law may be preserved and faithfully administered in the Orange River Colony, and that the Cape Colony may eventually be led to legislate on the same lines.

V. THE TRANSVAAL.

Liquor legislation in the Transvaal State was for many years in a deplorably backward condition. This was chiefly due to President Kruger's free trade views on the question, and to the fact that he had granted a concession for the distilling of liquor to certain Jews some seventeen years ago, which he for some unaccountable reason looked upon as a corner-stone of the Republic. Accordingly, easy and unrestricted sale of liquor was the rule in the Transvaal for many years; and the consequent drunkenness, immorality, and crime, and loss of life and money became so great and terrible and intolerable, that all classes of the community were roused to see the necessity of prohibiting the sale of intoxicating liquor to natives. It was computed that 25 per cent. of the native labour was lost through the effects of drink, and that at least £900,000 a year was lost to the mining industry. The Chamber of Mines, Chamber of Commerce, Mine Managers' Association, the leaders of English and Dutch Churches, and of all the temperance and philanthropic institutions, as well as the general public, put forth a united effort, and in July, 1896, a law was passed by the Second Volksraad by 19 votes to 2 prohibiting the sale or supply of liquor to natives. A month later it received the assent of the First Volksraad by 15 votes to 10. But the carrying out of the provisions of the law was delayed, and as far as possible the law was made a dead letter by the influence of the President, who characterized it to a deputation of liquor sellers from Johannesburg in 1898 as "a godless measure," and who received the same year another

deputation of some three hundred delegates of ministers and laymen of the Dutch Reformed Church, who waited on him to beg that the law might not be repealed, with scant courtesy, and told them practically to mind their own business.

Some of the members of the late Transvaal Government, such as the Vice-President, the late Commandant P. J. Joubert, the State Secretary, Mr. F. W. Reitz, and others were in favour of the law, but President Kruger's will ruled, and the maladministration of the law must be put down to his account, and forms one of the *bonâ-fide* Uitlander grievances against him.

It is of the utmost importance, for the future well-being of the native labourers in the mines, as well as for that of the general population, for the financial prosperity of the mining industry, on which the prosperity of everything else depends, for the social and moral advancement of the people, that this prohibitory law shall be faithfully carried out and administered under the British flag. There are difficulties in the way of so doing, but they are by no means insurmountable. The liquor traffickers in the Transvaal are wealthy and some of them influential, and they will do all in their power to prevent the law from being enforced, and to continue to fatten upon the spoliation of other people; but the British Government have the advantage of a clean sheet at Johannesburg on which to begin in the right way. Enforce the prohibitory law, choose brave and honest men to administer its provisions, let not one of the keepers of the old native canteens receive a licence to sell liquor, and confine the sale of liquor to *bonâ-fide* hotels. These are some of the means for remedying the awful state of things which prevailed at Johannesburg in the past. In addition, one would like to see the liquor traffic confined to the towns, as is the case in the Orange River Colony. There is no doubt, unless the Government do enforce the law which prohibits the sale or supply of liquor to natives, that the mining companies will be bound in self-defence to adopt the compound system as at Kimberley, whereby their labourers may be protected from drink during the term of their service; but the Government ought not to delegate its duty of protecting these labourers to the mining companies, but enforce the prohibitory law through the length and breadth of the land.

Any seeming difficulty which may arise from the fact that some of the civilized black or coloured people are exempted in the adjoining Colony of the Cape of Good Hope from the operation of such special legislation may be got over by recognizing that exemption, or—which would be a still better plan—by adopting the Natal method of giving the Governor in Council the right to exempt particular individuals upon their application from the operation of the law.

We may summarize the conclusions arrived at as follows :—

(1) The Cape Colony stands in need of legislation by which the sale and supply of intoxicating liquor shall be absolutely prohibited to natives or coloured people, save those exempted by previous legislation.

(2) Natal should increase her penalties for infringement of the prohibitory law.

(3) The Rhodesian law seems to need no change.

(4) The old Orange Free State Ordinance No. 10 of 1883 should be faithfully carried out in its entirety in the Orange River Colony.

(5) The Transvaal prohibitory law of 1896 should be enforced, and the native canteen trader never allowed to get a footing again. It will also be of the utmost benefit to take over the provisions of the Orange Free State Ordinance No. 10 of 1883, by which the sale of liquor outside of towns or villages is prohibited, and by which the sale is confined as far as possible to *bonâ-fide* hotels or restaurants. The greatest care will have to be exercised in the appointment of men of the highest probity and honesty and courage to administer the law.

In addition to what has been detailed above, there is need in *all* the Colonies and States of South Africa that what are called "Bottle Stores" should cease to be recognized. Up to the present, in every State licences are issued *at a much less amount* than is charged for a retail liquor licence for the sale of intoxicating liquor by the bottle only, not to be drunk on the premises. Experience has abundantly proved that these bottle stores are the source of an immense amount of drunkenness and crime, hence the Natal and Rhodesian law as to Indians being only allowed to drink on the licensed premises. The wants of people who are entitled to purchase liquor and who wish to have it in a bottle must be provided for, but at least the various Governments might provide that there shall be *no separate licence at a lower charge* for the right to sell liquor thus, but that such sale must be covered by the possession of a *licence to sell liquor by retail.* This would shut up many a bottle store, to the blessing of the country, and the legitimate bottle trade would be transferred to *bonâ-fide* hotels.

[Postscript.—In Basutoland we have the example of a native tribe, having its own chiefs, but being under Imperial control, which through the putting in force of a law prohibiting the importation and sale of intoxicating liquors, has made great progress and become prosperous.]

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